

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MARK FLYNN, WILLIAM HOWELL,
WILLIAM RYAN MOORE, JIMMY
GONZALES, CHRISTOPHER BAKER,
JOE BARRON, BILLY CALLAWAY,
BLAKE PANKONIEN, JOSE
RODRIGUEZ, JAMES STICH, PRESTON
HOUSTON, DANIEL A. KASPER,
JEFFREY HUTCHINSON, LEWIS COY,
JONATHAN D. SMITH, BRIAN BAKER,
CARROLL CHRISTOPHER.

SA-19-CV-00867-JKP

Plaintiffs,

VS.

SANCHEZ OIL & GAS CORPORATION,

Defendant.

ORDER

Before the Court in the above-styled cause of action is the parties Joint Stipulation and Motion to Modify Conditionally Certified Class Definition, Provide Additional Notice and Opt-In Period and Extend Scheduling Deadlines [#114]. Plaintiff Mark Flynn (“Flynn”), proceeding individually and on behalf of all others similarly situated, filed this collective action under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. (“FLSA”) on July 19, 2019, against his former employer Defendant Sanchez Oil & Gas Corporation (“SOG”). Flynn alleges SOG failed to pay him and other oilfield workers all overtime compensation they are due. On February 4, 2020, Flynn and SOG filed a Stipulation to Conditionally Certify a Collective Action, Issue Notice, and Stay Case. Subsequently, the Court entered an order conditionally certifying the following class:

all operators or production inspectors who functioned as operators who provided services to Tulsa Inspection Resources/Cypress Energy Management ("TIR") and to Sanchez Oil & Gas Corporation and who

may have been paid a day rate from a date three years prior to the issuance of notice to the present and who have not signed an arbitration agreement with SOG as of July 19, 2019.

Notice was issued in accordance with the Court's Order and 18 plaintiffs opted into this action. Additionally, certain other persons who had arbitration agreements with SOG but otherwise met the class definition have filed arbitrations against SOG, which are currently pending before the American Arbitration Association. SOG believes that enforcing the arbitration demands against the individual plaintiffs will be economically prohibitive and now wishes to simplify resolution of the issues by proceeding exclusively before this Court. Accordingly, SOG has withdrawn its demand for arbitration.

The parties now ask the Court to modify the conditionally certified class definition to remove the reference to SOG's arbitration demand, provide additional notice and a new opt-in period, and extend existing deadlines. The Court will grant the motion and enter the parties' agreed order.

IT IS THEREFORE ORDERED that the parties' Joint Stipulation and Motion to Modify the Conditionally Certified Class Definition, Provide Additional Notice and Opt-In period and Extend Scheduling Deadlines [#114] is **GRANTED**.

IT IS FURTHER ORDERED that the following amended class is **CONDITIONALLY CERTIFIED**:

all operators or production inspectors who functioned as operators who provided services to Tulsa Inspection Resources/Cypress Energy Management ("TIR") and to Sanchez Oil & Gas Corporation ("SOG") and who may have been paid a day rate from a date three years prior to the issuance of notice to the present.

IT IS FURTHER ORDERED that the Notice and Consent Form previously used in this matter [#36-1] is **APPROVED** for use with this amended class. The parties are directed to

follow the procedures set forth in their previous stipulation in issuing notice to persons who had been previously excluded from the conditionally certified class on the basis of SOG's withdrawn arbitration demand.

IT IS FURTHER ORDERED that Plaintiffs' counsel **FILE** any consent form returned by any opt-in Plaintiff with the Court.

IT IS FURTHER ORDERED that the Scheduling Order in this matter is amended as follows:

Deadline for expert reports for parties resisting claims for relief	April 29, 2022
Deadline for expert reports for rebuttal experts	May 13, 2022
Deadline to complete discovery	June 10, 2022
Deadline to advise of settlement negotiations	June 24, 2022
Deadline for <i>Daubert</i> motions	June 24, 2022
Deadline for dispositive motions	July 29, 2022

IT IS SO ORDERED.

SIGNED this 8th day of October, 2021.


ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE